

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA, §
v. §
Plaintiff, §
THE STATE OF TEXAS, § Civil No. 1:21-cv-796
Defendant. §

[PROPOSED] ORDER

Upon consideration of the United States' Emergency Motion for a Temporary Restraining Order or Preliminary Injunction, and the parties' respective submissions in support thereof and in opposition thereto, the Court finds as follows:

A preliminary injunction is necessary to preserve the status quo and prevent irreparable harm to the United States from the effects of Texas Senate Bill 8, 87th Leg., Reg. Sess. (Tex. 2021) (to be codified at Tex. Health & Safety Code §§ 171.203(b), 171.204(a)) ("S.B. 8"). The United States is substantially likely to succeed on its claims against the State of Texas. The threatened harm to the United States and its interests outweigh any potential harm that a preliminary injunction might inflict on Texas. The public interest also will be advanced by enjoining the operation of S.B. 8.

It is therefore, ORDERED, ADJUDGED, AND DECREED, that the United States' motion is GRANTED, and

FURTHER ORDERED that enforcement proceedings pursuant to S.B. 8 are temporarily and preliminary enjoined until further order of this Court; and

FURTHER ORDERED that the State of Texas, including Texas's officers, employees, and agents, as well as those persons in active concert or participation with them, including private

individuals who initiate enforcement proceedings under S.B. 8, are enjoined from enforcing S.B.8 or maintaining any civil proceeding pursuant to S.B. 8. *See* Fed. R. Civ. P. 65; and

FURTHER ORDERED that the State of Texas undertake, at minimum, the following measures to ensure the effectiveness of this Court's order:

- a. The State of Texas is required to post this injunction along with a copy of the United States' complaint on all court websites for the State of Texas;
- b. The State of Texas is required to provide a copy of this injunction along with a copy of the United States' complaint to all state court judges and judicial employees;
- c. The State of Texas is required to provide a copy of this injunction along with a copy of the United States' complaint to all civil claimants filing any new cases that are in any way authorized by the provisions of S.B. 8; and
- d. The State of Texas is directed to keep records showing that each civil claimant described above was affirmatively notified of this injunction.

This order shall remain in force until resolution of this action on the merits.

SO ORDERED.

Dated: _____

HON. ROBERT PITMAN
UNITED STATES DISTRICT JUDGE